

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PRECISION HEALTH GROUP,)	
)	
Plaintiff,)	
)	Case No. 4:19-cv-00822
v.)	
)	
VM MEDICAL/VITAMINERALS)	
ORTHOPEDICS, LTD. d/b/a VM MEDICAL/)	
VITAMINERALS, MARVIN L. BOOTE, II,)	
d/b/a VM MEDICAL/VITAMINERALS,)	
MARCIA W. BOOTE, d/b/a VM MEDICAL/)	
VITAMINERALS,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants VM Medical/Vitaminerals Orthopedics, Ltd., Marvin L. Boote, II, and Marcia W. Boote hereby remove Cause No. 1911-CC00203, *Precision Health Group v. VM Medical/Vitaminerals et al.*, a civil action pending in the Circuit Court of St. Charles County, Missouri (the “State Court Action”), to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. §§ 1331, 1441(a), (c), and 1446.

1. On February 25, 2019, Plaintiff Precision Health Group filed a Class Action Junk-Fax Petition (the “Complaint”) against Defendants in the Circuit Court of St. Charles County, Missouri, styled *Precision Health Group v. VM Medical/Vitaminerals et al.*, Case No. 1911-CC00203.

2. Defendants were served with a copy of the Summons and Complaint on March 7, 2019. *See* Exhibit A.

3. The Complaint alleges that Defendant violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as the TCPA arises under the laws of the United States. *Mims v. Arrow Fin. Svcs., LLC*, 565 U.S. 368, 377 (2012).

5. The State Court Action is being removed from the Circuit Court of St. Charles County, Missouri, which is within the Eastern District of Missouri. 28 U.S.C. § 105(a).

6. This Notice of Removal is timely because it is being filed within 30 days of Defendants' receipt of the Summons and Complaint. 28 U.S.C. § 1446(b); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999).

7. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly provide written notice of removal of this action to Plaintiff, and they will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of St. Charles County, Missouri.

8. A copy of all process, pleadings, and orders served upon Defendant is attached hereto as Exhibit A in accordance with 28 U.S.C. § 1446(a).

9. For all of the foregoing reasons, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and removal is proper.

Respectfully Submitted,

ARMSTRONG TEASDALE LLP

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2019, the foregoing was filed with the Clerk of the Court using the CM/ECF system and served upon the following by U.S. Mail, postage prepaid, and by electronic mail:

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Attorney for Plaintiff

/s/ Jonathan R. Shulan